

105TH CONGRESS  
1ST SESSION

# H. R. 1609

To reauthorize the Intermodal Surface Transportation Efficiency Act of 1991,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1997

Ms. MOLINARI (for herself, Mr. WELLER, Mr. GEJDENSON, Mr. SOLOMON, Mr. MOAKLEY, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. BORSKI, Mr. CASTLE, Mr. MCGOVERN, Mr. SHAYS, Mr. PAXON, Mr. BOEHLERT, Mr. QUINN, Mr. NADLER, Mr. KING, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. FRANK of Massachusetts, Mrs. KENNELLY of Connecticut, Mr. MCHUGH, Mr. MARKEY, Mr. ENGEL, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. MEEHAN, Mr. MANTON, Mrs. LOWEY, Mr. FORBES, Mrs. MCCARTHY of New York, Mr. WALSH, Mr. FLAKE, Mr. LAZIO of New York, Ms. DELAURO, Mr. GILMAN, Mr. RANGEL, Mr. HINCHEY, Mr. SCHUMER, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. TOWNS, Mr. OWENS, Ms. SLAUGHTER, and Mrs. MALONEY of New York) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To reauthorize the Intermodal Surface Transportation  
Efficiency Act of 1991, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “ISTEA Reauthorization Act of 1997”.

4 (b) TABLE OF CONTENTS.—The table of contents is  
5 as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—HIGHWAY PROGRAMS

Sec. 101. Amendments to title 23, United States Code.

Sec. 102. Authorization of appropriations.

Sec. 103. National Highway System and Interstate maintenance.

Sec. 104. Funding of interstate maintenance projects.

Sec. 105. Congestion mitigation and air quality improvement program.

Sec. 106. Surface transportation program.

Sec. 107. Bridge program.

Sec. 108. Minimum allocation.

Sec. 109. Interstate reimbursement program.

Sec. 110. Apportionment adjustment.

Sec. 111. Level of effort bonus.

Sec. 112. Research programs.

Sec. 113. Scenic byways program.

Sec. 114. Ferry boats and terminals.

Sec. 115. Border crossing infrastructure program.

Sec. 116. Program streamlining.

TITLE II—TRANSIT PROGRAMS

Sec. 201. Short title.

Sec. 202. Amendments to title 49, United States Code.

Sec. 203. Findings.

Sec. 204. Flexibility for less populated communities.

Sec. 205. Discretionary grants and loans.

Sec. 206. Authorization of appropriations.

Sec. 207. Application of Byrd rule to Mass Transit Account of Highway Trust  
Fund.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Intermodal Surface Transportation Effi-  
9 ciency Act of 1991 (Public Law 102–240) (herein-  
10 after in this section referred to as “ISTEA”) was  
11 the result of a bipartisan and multi-regional consen-

1       sus to change transportation policy by giving States  
2       and localities more flexibility in spending Federal  
3       funds while still pursuing important national goals;

4           (2) the Federal Government has an important  
5       role to play in helping to fund transportation im-  
6       provements and ensuring that a national focus re-  
7       mains on national goals such as mobility,  
8       connectivity and integrity of the transportation sys-  
9       tem, safety, research, air quality, global and national  
10      economic competitiveness, and improved quality of  
11      life;

12           (3) this role of the Federal Government as  
13      funding partner and policymaker should—

14           (A) nurture State and local flexibility in  
15      using funds to solve problems creatively; and

16           (B) relieve the States of burdensome regu-  
17      lation and review procedures that slow down  
18      project implementation without adding value;

19           (4) the funding programs authorized by ISTEA  
20      were visionary and will continue to influence trans-  
21      portation into the future;

22           (5) the partnerships between the Federal Gov-  
23      ernment and State and local governments, and be-  
24      tween the public and private sectors, that were re-  
25      affirmed and strengthened by ISTEA are helping to

1 improve transportation investment and transpor-  
2 tation policy choices; and

3 (6) it is in the interest of the United States—

4 (A) to reauthorize ISTEA in 1997 with re-  
5 finements but without significant changes;

6 (B) to authorize the maximum feasible  
7 level of funding for ISTEA programs;

8 (C) to allocate these funds among the  
9 States based primarily on need, with adjust-  
10 ments to be considered to reflect (i) system  
11 usage; (ii) system extent; and (iii) distribution  
12 patterns;

13 (D) to preserve and strengthen the part-  
14 nerships among the Federal Government, State  
15 governments, local governments, and the private  
16 sector;

17 (E) to recognize and reward above average  
18 level of State and local financial effort in fi-  
19 nancing the Nation's surface transportation  
20 system;

21 (F) to help improve the highway access to,  
22 and economic development in, the Appalachian  
23 region through financing the completion of the  
24 Appalachian development highway system; and

1 (G) to minimize prescriptive Federal regu-  
2 lation that is unnecessary and eliminate regu-  
3 latory duplication between the Federal Govern-  
4 ment and State governments.

## 5 **TITLE I—HIGHWAY PROGRAMS**

### 6 **SEC. 101. AMENDMENTS TO TITLE 23, UNITED STATES** 7 **CODE.**

8 Except as otherwise specifically provided, whenever in  
9 this title an amendment or repeal is expressed in terms  
10 of an amendment to, or repeal of, a section or other provi-  
11 sion of law, the reference shall be considered to be made  
12 to a section or other provision of title 23, United States  
13 Code.

### 14 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—The following sums are author-  
16 ized to be appropriated out of the Highway Trust Fund  
17 (other than the Mass Transit Account):

18 (1) NATIONAL HIGHWAY SYSTEM.—For the Na-  
19 tional Highway System under section 103 of that  
20 title \$10,500,000,000 for each of fiscal years 1998  
21 through 2003.

22 (2) SURFACE TRANSPORTATION PROGRAM.—  
23 For the surface transportation program under sec-  
24 tion 133 of that title \$5,500,000,000 for each of fis-  
25 cal years 1998 through 2003.

1           (3) BRIDGE PROGRAM.—For the highway  
2 bridge replacement and rehabilitation program under  
3 section 144 of that title \$3,700,000,000 for each of  
4 fiscal years 1998 through 2003.

5           (4) CONGESTION MITIGATION AND AIR QUALITY  
6 IMPROVEMENT PROGRAM.—For the congestion miti-  
7 gation and air quality improvement program under  
8 section 149 of that title \$2,000,000,000 for each of  
9 fiscal years 1998 through 2003.

10          (5) MINIMUM ALLOCATION.—For the minimum  
11 allocation program under section 157 of that title  
12 \$526,000,000 for each of fiscal years 1998 through  
13 2003.

14          (6) APPORTIONMENT ADJUSTMENTS.—For ap-  
15 portionment adjustments under section 110 of this  
16 Act \$530,000,000 for each of fiscal years 1998  
17 through 2003.

18          (7) INTERSTATE REIMBURSEMENT PROGRAM.—  
19 For reimbursement for segments of the Interstate  
20 System constructed without Federal assistance  
21 under section 160 of that title \$1,700,000,000 for  
22 each of fiscal years 1998 through 2003.

23          (8) LEVEL OF EFFORT BONUS.—For the level  
24 of effort bonus under section 111 of this Act

1       \$775,000,000 for each of fiscal years 1998 through  
2       2003.

3           (9) FEDERAL LANDS HIGHWAYS PROGRAM.—

4               (A) INDIAN RESERVATION ROADS.—For  
5       Indian reservation roads under section 204 of  
6       that title \$190,000,000 for each of fiscal years  
7       1998 through 2003.

8               (B) PUBLIC LANDS HIGHWAYS.—For pub-  
9       lic lands highways under section 204 of that  
10      title \$170,000,000 for each of fiscal years 1998  
11      through 2003.

12              (C) PARKWAYS AND PARK ROADS.—For  
13      parkways and park roads under section 204 of  
14      that title \$90,000,000 for each of fiscal years  
15      1998 through 2003.

16           (10) FHWA HIGHWAY SAFETY PROGRAMS.—  
17      For carrying out section 402 of that title by the  
18      Federal Highway Administration \$25,000,000 for  
19      each of fiscal years 1998 through 2003.

20           (11) FHWA HIGHWAY SAFETY RESEARCH AND  
21      DEVELOPMENT.—For carrying out section 403 of  
22      that title by the Federal Highway Administration  
23      \$10,000,000 for each of fiscal years 1998 through  
24      2003.

1           (12) APPALACHIAN DEVELOPMENT HIGHWAY  
 2           PROGRAM.—For the Appalachian development high-  
 3           way program under section 201 of the Appalachian  
 4           Regional Development Act of 1965 (40 U.S.C. App)  
 5           \$400,000,000 for each of fiscal years 1998 through  
 6           2003.

7           (b) LIMITATIONS ON OBLIGATIONS.—Notwithstand-  
 8           ing any other provision of law, any limitation on obliga-  
 9           tions established for any of fiscal years 1998 through  
 10          2003 for funds apportioned or allocated from the Highway  
 11          Trust Fund (other than the Mass Transit Account) shall  
 12          apply equally to all such apportionments and allocations,  
 13          except that no such limitation shall apply to any allocation  
 14          made under section 125 of title 23, United States Code,  
 15          for emergency relief.

16   **SEC. 103. NATIONAL HIGHWAY SYSTEM AND INTERSTATE**  
 17           **MAINTENANCE.**

18          (a) APPORTIONMENT FORMULA.—Section 104(b)(1)  
 19          is amended to read as follows:

20               “(1) NATIONAL HIGHWAY SYSTEM.—For the  
 21          National Highway System,  $\frac{1}{3}$  percent to the Virgin  
 22          Islands, Guam, American Samoa, and the Common-  
 23          wealth of the Northern Mariana Islands and the re-  
 24          maining  $99\frac{2}{3}$  percent apportioned as follows:

25               “(A)  $\frac{1}{2}$  in the ratio that—



1 “(i) the total vehicle miles traveled on  
2 public highways in each State; bears to

3 “(ii) the total vehicle miles traveled on  
4 public highways in all States; and

5 “(B)  $\frac{1}{2}$  in the ratio that—

6 “(i) the total lane miles of public  
7 highways in each State; bears to

8 “(ii) the total lane miles of public  
9 highways in all States.”.

10 (b) SET-ASIDE FOR 4R PROJECTS.—Section  
11 118(c)(2)(A) is amended—

12 (1) by striking “1996, and” and inserting  
13 “1996,”; and

14 (2) by inserting after “1997” the following: “,  
15 and \$200,000,000 for each of fiscal years 1998  
16 through 2003”.

17 (c) GOODS MOVEMENT FACTOR.—

18 (1) STUDY.—The Secretary shall conduct a  
19 study of the impact of goods movement on transpor-  
20 tation infrastructure as a measure of need for ap-  
21 portioning funds for the National Highway System.

22 (2) REPORT.—Not later than 2 years after the  
23 date of the enactment of this Act, the Secretary  
24 shall transmit to the Committee on Transportation  
25 and Infrastructure of the House of Representatives

1 and the Committee on Environment and Public  
2 Works of the Senate a report containing the results  
3 of the study, together with recommendations for in-  
4 clusion of a measure of goods movement in appor-  
5 tioning funds for the National Highway System.

6 **SEC. 104. FUNDING OF INTERSTATE MAINTENANCE**  
7 **PROJECTS.**

8 (a) SET-ASIDE OF NHS APPORTIONMENTS.—Section  
9 103(i) is amended by striking the matter preceding para-  
10 graph (1) and inserting the following:

11 “(i) ELIGIBLE PROJECTS FOR NHS.—Fifty percent  
12 of the funds apportioned to a State under section  
13 104(b)(1) shall be obligated for Interstate maintenance  
14 projects under section 119 of this title and the remaining  
15 50 percent of such funds may be obligated for any of the  
16 following:”.

17 (b) REPEAL OF APPORTIONMENT.—Section  
18 104(b)(5)(B) is repealed.

19 (c) CONFORMING AMENDMENTS TO SECTION 119.—  
20 Section 119 is amended—

21 (1) in subsection (a) by striking the second sen-  
22 tence and inserting the following: “Projects approved  
23 under the preceding sentence shall be carried out  
24 using funds apportioned under section 104(b)(1).”;

1           (2) in subsection (b) by striking the third sen-  
2       tence and all that follows;

3           (3) in subsection (f)(1)—

4                (A) by striking “section 104(b)(5)(B)” and  
5       inserting “section 104(b)(1)”;

6                (B) by inserting after “title” the following:  
7       “that are to be obligated for interstate mainte-  
8       nance”;

9                (C) by inserting after “the State may” the  
10      following: “obligate those funds for other eligi-  
11      ble projects on the National Highway System  
12      or”;

13               (D) by striking “sections 104(b)(1) and  
14      104(b)(3)” and inserting “section 104(b)(3)”;  
15      and

16           (4) in subsection (f)(2)—

17                (A) in subparagraph (A) by striking “and”  
18      at the end;

19                (B) in subparagraph (B)—

20                      (i) by striking “in any fiscal year  
21                      thereafter” and inserting “in fiscal years  
22                      1988 through 1997”; and

23                      (ii) by striking the period at the end  
24                      and inserting a semicolon; and

25                (C) by adding at the end the following:

1           “(C) in fiscal year 1998 and each fiscal  
 2           year thereafter, an amount not to exceed 20  
 3           percent of the funds available for obligation for  
 4           Interstate maintenance from funds apportioned  
 5           under section 104(b)(1) for such fiscal year.”.

6 **SEC. 105. CONGESTION MITIGATION AND AIR QUALITY IM-**  
 7 **PROVEMENT PROGRAM.**

8           Section 104(b)(2) is amended to read as follows:

9           “(2) CONGESTION MITIGATION AND AIR QUAL-  
 10          ITY IMPROVEMENT PROGRAM.—

11           “(A) IN GENERAL.—For the congestion  
 12          mitigation and air quality improvement pro-  
 13          gram—

14           “(i) 90 percent in the ratio that the  
 15          weighted nonattainment area population of  
 16          each State bears to the total weighted non-  
 17          attainment area population of all States;  
 18          and

19           “(ii) 10 percent in the ratio that the  
 20          population of all areas that are non-attain-  
 21          ment under the Clean Air Act (42 U.S.C.  
 22          7401 et seq.) for particulate matter with  
 23          an aerodynamic diameter smaller than or  
 24          equal to 10 micrometers (known as ‘PM-

1           10') in each State bears to the population  
2           of all such areas in all States.

3           “(B) WEIGHTED NONATTAINMENT AREA  
4           POPULATION.—For purposes of subparagraph  
5           (A)(i), the weighted nonattainment area popu-  
6           lation shall be calculated by multiplying the  
7           population of each area within any State that  
8           was a nonattainment area (as defined in section  
9           171(2) of the Clean Air Act (42 U.S.C.  
10          7501(2))) for ozone during any part of fiscal  
11          year 1994 by a factor of—

12                   “(i) 1.0 if the area is classified as a  
13                   marginal ozone nonattainment area under  
14                   subpart 2 of part D of title I of the Clean  
15                   Air Act;

16                   “(ii) 1.1 if the area is classified as a  
17                   moderate ozone nonattainment area under  
18                   such subpart;

19                   “(iii) 1.2 if the area is classified as a  
20                   serious ozone nonattainment area under  
21                   such subpart;

22                   “(iv) 1.3 if the area is classified as a  
23                   severe ozone nonattainment area under  
24                   such subpart; or

1                   “(v) 1.4 if the area is classified as an  
2                   extreme ozone nonattainment area under  
3                   such subpart.

4                   If the area was also classified under subpart 3  
5                   of part D of title I of such Act as a nonattain-  
6                   ment area for carbon monoxide during any part  
7                   of fiscal year 1994, for purposes of calculating  
8                   the weighted nonattainment area population,  
9                   the weighted nonattainment area population of  
10                  the area, as determined under the preceding  
11                  provisions of this subparagraph, shall be further  
12                  multiplied by a factor of 1.2.

13                  “(D) MINIMUM APPORTIONMENT.—Not-  
14                  withstanding any other provision of this para-  
15                  graph, each State shall receive a minimum ap-  
16                  portionment of  $\frac{1}{2}$  of 1 percent of the funds ap-  
17                  portioned under this paragraph for a fiscal  
18                  year.

19                  “(E) TRANSFERS.—

20                  “(i) IN GENERAL.—Any State that is  
21                  apportioned more than 15 percent of the  
22                  total amount of funds apportioned under  
23                  this paragraph for a fiscal year may trans-  
24                  fer all or any portion of the amount that  
25                  exceeds 15 percent of such total amount to

1 the apportionment of the State under sec-  
2 tion 104(b)(3) with approval of the metro-  
3 politan planning organization of the area  
4 for which the funds are attributable.

5 “(ii) ALLOCATION.—Any funds trans-  
6 ferred under clause (i) shall be added to  
7 the allocation under section  
8 133(d)(3)(A)(i) for the metropolitan area  
9 for which the funds are attributable.

10 “(iii) LIMITATION.—No funds trans-  
11 ferred under this subparagraph may be  
12 used for a project which will result in the  
13 construction of new capacity available to  
14 single occupant vehicles unless the project  
15 consists of a high occupancy vehicle facility  
16 available to single occupant vehicles only at  
17 other than peak travel times.

18 “(F) DETERMINATION OF POPULATION.—

19 In determining population for the purpose of  
20 this paragraph, the Secretary shall use esti-  
21 mates prepared by the Secretary of Com-  
22 merce.”.

23 **SEC. 106. SURFACE TRANSPORTATION PROGRAM.**

24 (a) APPORTIONMENT FORMULA.—Section 104(b)(3)  
25 is amended to read as follows:

1 “(3) SURFACE TRANSPORTATION PROGRAM.—

2 “(A) IN GENERAL.—For the surface trans-  
3 portation program, in the ratio that—

4 “(i) the product of—

5 “(I) the total lane miles of public  
6 highways in each State; and

7 “(II) the relative intensity of use  
8 of public highways in the State; bears  
9 to

10 “(ii) the product of—

11 “(I) the total lane miles of public  
12 highways in all States; and

13 “(II) the relative intensity of use  
14 of public highways in all States.

15 “(B) DETERMINATION OF RELATIVE IN-  
16 TENSITY OF USE.—For the purpose of subpara-  
17 graph (A), the relative intensity of use of public  
18 highways in a State shall be determined by di-  
19 viding—

20 “(i) the vehicle miles traveled on pub-  
21 lic highways in the State per lane mile of  
22 public highways in the State during the  
23 latest 1-year period for which data are  
24 available; by



1 “(ii) the vehicle miles traveled on pub-  
 2 lic highways in all States per lane mile of  
 3 public highways in all States during that  
 4 period.

5 “(C) MINIMUM APPORTIONMENT.—Not-  
 6 withstanding any other provision of this para-  
 7 graph, each State shall receive a minimum ap-  
 8 portionment of  $\frac{1}{2}$  of 1 percent of the funds ap-  
 9 portioned under this paragraph for a fiscal  
 10 year.”.

11 (b) ALLOCATION OF OBLIGATION AUTHORITY.—Sec-  
 12 tion 133(f) is amended by striking “6-fiscal year period  
 13 1992 through 1997” and inserting “6-fiscal year period  
 14 1998 through 2003”.

15 **SEC. 107. BRIDGE PROGRAM.**

16 (a) MINIMUM APPORTIONMENT.—Section 144(e) is  
 17 amended in the fifth sentence by striking “0.25” and in-  
 18 serting “0.5”.

19 (b) AUTHORIZATIONS FOR DISCRETIONARY PRO-  
 20 GRAM.—Section 144(g)(1) is amended to read as follows:

21 “(1) DISCRETIONARY BRIDGE PROGRAM.—

22 “(A) IN GENERAL.—For each of fiscal  
 23 years 1998 through 2003, of the amounts au-  
 24 thorized to be appropriated to carry out this  
 25 section, all but \$100,000,000 in the case of

1           each such fiscal year shall be apportioned as  
2           provided in subsection (e).

3           “(B) RESERVED AMOUNT.—For each of  
4           fiscal years 1998 through 2003, of the  
5           \$100,000,000 referred to in subparagraph  
6           (A)—

7                   “(i) \$90,000,000 shall be allocated at  
8                   the discretion of the Secretary on the same  
9                   date and in the same manner as funds ap-  
10                  portioned under subsection (e); and

11                   “(ii) \$10,000,000 shall be allocated by  
12                   the Secretary in accordance with section  
13                   1039 of the Intermodal Surface Transpor-  
14                   tation Efficiency Act of 1991 (23 U.S.C.  
15                   144 note; 105 Stat. 1990).”.

16       (c) OFF-SYSTEM BRIDGES.—Section 144(g)(3) is  
17       amended by striking “1987,” and all that follows through  
18       “1997,” and inserting “1987 through 2003”.

19       (d) FUNDING FOR HIGHWAY TIMBER BRIDGE RE-  
20       SEARCH AND DEMONSTRATION PROGRAM.—Section  
21       1039(e) of the Intermodal Surface Transportation Effi-  
22       ciency Act of 1991 (23 U.S.C. 144 note; 105 Stat. 1991)  
23       is amended to read as follows:

1       “(e) FUNDING.—From the funds reserved from ap-  
 2       portionment under section 144(g)(1) of title 23, United  
 3       States Code, for each of fiscal years 1998 through 2003—

4               “(1) \$1,500,000 shall be available to the Sec-  
 5       retary for carrying out subsections (a) and (b); and

6               “(2) \$8,500,000 shall be available to the Sec-  
 7       retary to carry out subsection (c).

8       Such sums shall remain available until expended.”.

9       **SEC. 108. MINIMUM ALLOCATION.**

10       Section 157 of title 23, United States Code, is  
 11       amended—

12               (1) in subsection (a)—

13                       (A) in paragraph (4) by striking the para-  
 14                       graph designation and all that follows before  
 15                       “on October 1” and inserting the following:

16                       “(4) FISCAL YEARS 1992–1997.—In each of fis-  
 17                       cal years 1992 through 1997,”; and

18                       (B) by adding at the end the following:

19                       “(5) FISCAL YEAR 1998 AND THEREAFTER.—

20                               “(A) DETERMINATION OF AMOUNTS.—In  
 21                       fiscal year 1998, and each fiscal year there-  
 22                       after, on October 1, or as soon as practicable  
 23                       thereafter, the Secretary shall determine the  
 24                       amount of funds would be required to ensure  
 25                       that a State’s percentage of the total apporportion-

ments in each such fiscal year and allocations  
for the prior fiscal year for—

“(i) the National Highway System  
under section 103;

“(ii) the Interstate maintenance pro-  
gram under section 119;

“(iii) the surface transportation pro-  
gram under section 133;

“(iv) the bridge program under sec-  
tion 144;

“(v) the congestion mitigation and air  
quality improvement program under sec-  
tion 149;

“(vi) grants for safety belts and mo-  
torcycle helmets under section 153;

“(vii) the Interstate reimbursement  
program under section 160;

“(viii) the Appalachian development  
highway program under section 201 of the  
Appalachian Regional Development Act of  
1965 (40 U.S.C. App); and

“(ix) the scenic byways program  
under section 1047 of the Intermodal Sur-  
face Transportation Efficiency Act of 1991  
(23 U.S.C. 101 note; 105 Stat. 1996);

1 is not less than 90 percent of the percentage  
2 that the population of the State is of the popu-  
3 lation of the United States, as determined by  
4 the Secretary based on the most recent revised  
5 estimate of State populations prepared by the  
6 Bureau of the Census.

7 “(B) APPORTIONMENT.—

8 “(i) IN GENERAL.—Except as pro-  
9 vided in clause (ii), after determining the  
10 amounts of funds under subparagraph (A),  
11 the Secretary shall apportion the funds au-  
12 thorized to carry out this section for a fis-  
13 cal year to each State in the ratio that the  
14 amount determined for the State under  
15 subparagraph (A) bears to the total  
16 amount determined for all States under  
17 subparagraph (A) (including ineligible  
18 States under clause (ii)).

19 “(ii) INELIGIBLE STATES.—A State  
20 shall be ineligible to receive funding under  
21 this section if—

22 “(I) the State’s apportionment  
23 pursuant to subparagraph (A) is  
24 greater than 5.0 percent but less than  
25 6.0 percent; and

1                   “(II) the State’s apportionment  
2                   in any fiscal year under the ISTEA  
3                   Reauthorization Act of 1997 is more  
4                   than 5 percent greater than its aver-  
5                   age apportionment under the Inter-  
6                   modal Surface Transportation Effi-  
7                   ciency Act of 1991.

8           (b) APPLICABILITY OF OBLIGATION LIMITATIONS.—  
9   Section 157(b) is amended by striking the last 2 sen-  
10 tences.

11          (c) STATE DEFINED.—Section 157(e) is amended to  
12 read as follows:

13          “(e) STATE DEFINED.—Notwithstanding any other  
14 provision of this title, in this section, the term ‘State’  
15 means each of the 50 States.”.

16 **SEC. 109. INTERSTATE REIMBURSEMENT PROGRAM.**

17          Section 160 is amended—

18               (1) in subsection (a) by striking “The Secretary  
19               shall allocate to the States in each of fiscal years  
20               1996 and 1997” and inserting “For any fiscal year  
21               for which funds are authorized to carry out this sec-  
22               tion, the Secretary shall allocate to the States”; and

23               (2) in subsection (b)—

24                       (A) by striking “each of fiscal years 1996  
25                       and 1997” and inserting “a fiscal year”; and

(B) by inserting before the period at the end the following: “, except that no State may receive for a fiscal year more than 10 percent of the total amount allocated under this section for such fiscal year”.

**SEC. 110. APPORTIONMENT ADJUSTMENT.**

(a) HIGH DENSITY ADJUSTMENT.—

(1) IN GENERAL.—Subject to subsection (c), in the case of any State eligible for a high density adjustment under paragraph (3), the amount of funds apportioned to the State for the surface transportation program under section 133 of title 23, United States Code, for each of fiscal years 1998 through 2003 shall be increased as necessary to ensure that the percentage obtained by dividing—

(A) the total apportionments to the State for the fiscal year for Federal-aid highways (including Appalachian development highways) and highway safety construction programs; by

(B) the total of all apportionments to all States for the fiscal year for Federal-aid highways (including Appalachian development highways) and highway safety construction programs;

1 is not less than the minimum percentage for the  
2 State determined under paragraph (2).

3 (2) MINIMUM PERCENTAGE.—Except as pro-  
4 vided in paragraph (3), the minimum percentage re-  
5 ferred to in paragraph (1) for a State shall be equal  
6 to 75 percent of the State’s percentage of the total  
7 apportionments and allocations during fiscal years  
8 1992 through 1997 under title 23, United States  
9 Code, the Intermodal Surface Transportation Effi-  
10 ciency Act of 1991 (105 Stat. 1914 et seq.), and the  
11 National Highway System Designation Act of 1995  
12 (109 Stat. 568 et seq.), excluding apportionments  
13 and allocations made for—

14 (A) Interstate construction under section  
15 104(b)(5)(A);

16 (B) emergency relief under section 125;

17 (C) the Federal lands highway program  
18 under section 204;

19 (D) donor State bonus amounts under sec-  
20 tion 1013(c) of the Intermodal Surface Trans-  
21 portation Efficiency Act of 1991 (23 U.S.C.  
22 157 note; 105 Stat. 1940);

23 (E) Kansas projects under section 1014(c)  
24 of the Intermodal Transportation Efficiency Act  
25 of 1991 (105 Stat. 1942);



1 (F) hold harmless adjustments under sec-  
2 tion 1015(a) of the Intermodal Transportation  
3 Efficiency Act of 1991 (23 U.S.C. 104 note;  
4 105 Stat. 1943);

5 (G) 90 percent of payment adjustments  
6 under section 1015(b) of the Intermodal Trans-  
7 portation Efficiency Act of 1991 (23 U.S.C.  
8 104 note; 105 Stat. 1944); and

9 (H) demonstration projects under the  
10 Intermodal Transportation Efficiency Act of  
11 1991.

12 (3) SPECIAL RULE.—For States with a popu-  
13 lation of 4,000,000 or more, the minimum percent-  
14 age referred to in paragraph (1) shall be equal to  
15 150 percent.

16 (4) ELIGIBLE STATES.—A State shall be eligi-  
17 ble for a high density adjustment under this sub-  
18 section if the State has a population density of more  
19 than 450 persons per square mile.

20 (b) MINIMUM APPORTIONMENT ADJUSTMENT.—Sub-  
21 ject to subsection (c), the amount of funds apportioned  
22 to a State for the surface transportation program under  
23 section 133 for each of fiscal years 1998 through 2003  
24 shall be increased as necessary to ensure that—

25 (1) the sum of—

1 (A) the total apportionments to the State  
2 for the fiscal year; and

3 (B) the total allocations authorized by the  
4 Intermodal Surface Transportation Efficiency  
5 Act of 1991 or this Act to the State for the  
6 previous fiscal year;

7 for Federal-aid highways (including Appalachian de-  
8 velopment highways) and highway safety construc-  
9 tion programs (excluding apportionments and alloca-  
10 tions for emergency relief under section 125 and for  
11 Federal lands highways under section 204); is not  
12 less than—

13 (2)(A)  $\frac{1}{2}$  of 1 percent of the sum of—

14 (i) the total of all apportionments de-  
15 scribed in paragraph (1) to all States for the  
16 fiscal year; and

17 (ii) the total of all allocations described in  
18 paragraph (1) to all States for the previous fis-  
19 cal year; or

20 (B) 90 percent of the total of all apportion-  
21 ments described in paragraph (1) to the State for  
22 fiscal year 1997.

23 (c) LIMITATION ON APPORTIONMENT ADJUST-  
24 MENTS.—If the amounts authorized to be appropriated for  
25 apportionment adjustments under this section for a fiscal

1 year are insufficient to fund the increased apportionments  
2 required by subsections (a) and (b) for the fiscal year, the  
3 increased apportionment shall be reduced proportionately.

4 **SEC. 111. LEVEL OF EFFORT BONUS.**

5 (a) ELIGIBLE STATES.—In each of fiscal years 1998  
6 through 2003, on October 1, or as soon as possible there-  
7 after, the Secretary of Transportation shall allocate funds  
8 made available to carry out this section among those  
9 States that the Secretary determines, based on the most  
10 recent fiscal year for which data are available, had a level  
11 of effort that exceeded the average level of effort of all  
12 States.

13 (b) ALLOCATION FORMULA.—The Secretary shall al-  
14 locate funds under this section in the ratio that the finan-  
15 cial level of effort of each eligible State exceeded the finan-  
16 cial level of effort of all eligible States for the applicable  
17 fiscal year, except that no State may receive more than  
18 10 percent of the total amount made available to carry  
19 out this section for such fiscal year.

20 (c) DETERMINATION OF FINANCIAL LEVEL OF EF-  
21 FORT.—For purposes of subsection (a), the Secretary  
22 shall determine the financial level of effort of a State for  
23 a fiscal year—

24 (1) by calculating the ratio of total State and  
25 local disbursements for Federal-aid highways and

1 highway safety construction programs to total State  
 2 taxable resources in each State for such fiscal year;  
 3 and

4 (2) for each State in which the result of para-  
 5 graph (1) exceeds the ratio of total State and local  
 6 disbursements for Federal-aid highways and highway  
 7 safety construction programs for all States to total  
 8 State taxable resources for all States for such fiscal  
 9 year, by multiplying such difference by the total  
 10 State taxable resources for the State, resulting in  
 11 the financial level of effort amount for each eligible  
 12 State to be used in subsection (b).

13 “(d) ADJUSTMENT FOR STATES WITH HIGH EQUIV-  
 14 ALENT MOTOR FUEL TAX.—Of the amounts authorized  
 15 for each fiscal year to carry out this section, \$65,000,000  
 16 shall be made available to States that have a high level  
 17 of effort as measured by equivalent motor fuel tax accord-  
 18 ing to the following table:

<b>State</b>	<b>The applicable percentage is:</b>
Connecticut .....	4.75
Hawaii .....	3.22
Illinois .....	30.08
Maryland .....	19.70
Massachusetts .....	5.41
Nevada .....	8.81
Ohio .....	20.12
Oregon .....	7.91
Total .....	100.00.”

19 (e) TRANSFER OF AMOUNT TO STP APPORTION-  
 20 MENT.—The Secretary shall transfer amounts allocated to

1 a State pursuant to this section to the apportionment of  
 2 such State under section 104(b)(3) of title 23, United  
 3 States Code, for the surface transportation program.

4 **SEC. 112. RESEARCH PROGRAMS.**

5 (a) STRATEGIC HIGHWAY RESEARCH PROGRAM.—  
 6 Section 307(b)(2)(B) is amended by striking “1994, 1995,  
 7 1996, and 1997” and inserting “1994 through 2003”.

8 (b) APPLIED RESEARCH PROGRAM.—Section  
 9 307(e)(13) is amended in the first sentence by striking  
 10 “1993, 1994, 1995, 1996, and 1997” and inserting “1993  
 11 through 2003”.

12 (c) SEISMIC RESEARCH PROGRAM.—Section  
 13 307(f)(4) is amended by striking “\$2,000,000” and all  
 14 that follows before the period and inserting “\$4,000,000  
 15 in each of fiscal years 1998 through 2003 to carry out  
 16 this section”.

17 (d) INTELLIGENT TRANSPORTATION SYSTEMS.—Sec-  
 18 tion 6058 of the Intermodal Surface Transportation Effi-  
 19 ciency Act of 1991 (23 U.S.C. 307 note; 105 Stat. 2191)  
 20 is amended—

21 (1) in subsection (a) by striking “1997” and in-  
 22 serting “2003”; and

23 (2) in subsection (b) by striking “1997” and in-  
 24 serting “2003”.

1 **SEC. 113. SCENIC BYWAYS PROGRAM.**

2 Section 1047(d) of the Intermodal Surface Transpor-  
3 tation Efficiency Act of 1991 (23 U.S.C. 101 note; 105  
4 Stat. 1996) is amended by striking “1995, 1996, and  
5 1997” and inserting “1995 through 2003”.

6 **SEC. 114. FERRY BOATS AND TERMINALS.**

7 Section 1064(c) of the Intermodal Surface Transpor-  
8 tation Efficiency Act of 1991 (23 U.S.C. 129 note; 105  
9 Stat. 2005) is amended to read as follows:

10 “(c) FUNDING.—There shall be available, out of the  
11 Highway Trust Fund (other than the Mass Transit Ac-  
12 count), to the Secretary for obligation at the discretion  
13 of the Secretary in carrying out this section \$40,000,000  
14 for each of fiscal years 1998 through 2003. Such sums  
15 shall remain available until expended.”.

16 **SEC. 115. BORDER CROSSING INFRASTRUCTURE PROGRAM.**

17 (a) FINDING.—Congress finds and declares that as  
18 a result of the North American Free Trade Agreement,  
19 States along the United States-Mexico and United States-  
20 Canada border will require significant investments in high-  
21 way infrastructure capacity so that the Nation may realize  
22 the full benefits of increased international trade.

23 (b) ESTABLISHMENT.—Chapter 1 is amended by  
24 adding at the end the following:

1   **“§ 161. Border crossing infrastructure program**

2           “(a) **AUTHORITY TO MAKE GRANTS.**—The Secretary  
3 shall make grants under this section to Mexican and Cana-  
4 dian border States that submit an application that dem-  
5 onstrates need, due to increased traffic resulting from the  
6 implementation of NAFTA, for assistance in carrying out  
7 transportation projects that are necessary to relieve traffic  
8 congestion, specifically for the purposes of connecting,  
9 through construction or reconstruction, the National  
10 Highway System designated under section 103(b), with  
11 Federal border crossing facilities located in the United  
12 States in the border region, or to improve enforcement of  
13 motor carrier safety laws in the border region. The Fed-  
14 eral share of the cost of a project under this section shall  
15 not exceed 80 percent of the total project cost. Each bor-  
16 der region will comprise a separate subprogram within this  
17 program, and as such be administered separately.

18           “(b) **MEXICAN BORDER REGION PROGRAM.**—

19           “(1) **IN GENERAL.**—For each of fiscal years  
20 1998 through 2003, the Secretary shall allocate the  
21 amounts made available to carry this section among  
22 Mexican border States as follows:

23           “(A) 90 percent in the ratio which the  
24 number of major Mexican border crossing facili-  
25 ties in each Mexican border State bears to the  
26 total number of major Mexican border crossing

1 facilities in all Mexican border States, as deter-  
2 mined by the Secretary under paragraph (2).

3 “(B) 10 percent in the ratio which the  
4 number of minor Mexican border crossing facili-  
5 ties in each Mexican border State bears to the  
6 total number of minor Mexican border crossing  
7 facilities in all Mexican border States, as deter-  
8 mined by the Secretary under paragraph (2).

9 “(2) DETERMINATIONS.—The Secretary shall  
10 make the determinations required by paragraph (1)  
11 concerning the number of commercial motor vehicles  
12 using a Mexican border crossing facility on an an-  
13 nual basis using the most recent calendar year infor-  
14 mation that can be obtained from the Census Bu-  
15 reau.

16 “(c) CANADIAN BORDER REGION PROGRAM.—For  
17 each of fiscal years 1998 through 2003, the Secretary  
18 shall allocate the amounts made available to carry this sec-  
19 tion among Canadian border States in accordance with an  
20 equitable formula to be established by the Secretary that  
21 shall consider—

22 “(1) the annual volume of international com-  
23 mercial motor vehicle traffic at the ports of entry of  
24 each Canadian border State as compared to the an-  
25 nual volume of international commercial motor vehi-



1 cle traffic at the ports of entry of all Canadian bor-  
2 der States;

3 “(2) the percentage by which international com-  
4 mercial vehicle traffic in each Canadian border State  
5 has grown during the period beginning on the date  
6 of the enactment of the North American Free Trade  
7 Agreement Implementation Act (Public Law 103-  
8 182) as compared to that percentage for all Cana-  
9 dian border States;

10 “(3) the age and condition of existing border  
11 crossings and connections to the National Highway  
12 System of each Canadian border State as compared  
13 to the age and condition of existing border crossings  
14 and connections to the National Highway System of  
15 all Canadian border States; and

16 “(4) the extent of border transportation im-  
17 provements carried out by each Canadian border  
18 State during the period beginning on the date of the  
19 enactment of the North American Free Trade  
20 Agreement Implementation Act (Public Law 103-  
21 182).

22 “(d) MINIMUM ALLOCATION.—Notwithstanding any  
23 other provision of this section, a Canadian border State  
24 with \$6,000,000,000 or more in annual imports and ex-  
25 ports with Canada and Mexico shall receive not less than

1 5 percent of the amounts made available to Canadian bor-  
2 der States to carry out this section and each of the other  
3 Canadian border States shall receive not less than 2.5 per-  
4 cent of such amounts.

5 “(e) PROJECTS COMMENCED AFTER JANUARY 1,  
6 1994.—The Secretary may make a grant under this sec-  
7 tion to a Mexican or Canadian border State that reim-  
8 burses the State for a project for which construction com-  
9 menced after January 1, 1994, if the project is otherwise  
10 eligible for assistance under this section.

11 “(f) DEFINITIONS.—In this section, the following  
12 definitions apply:

13 “(1) BORDER STATE.—The term ‘border State’  
14 means a Canadian border State or a Mexican border  
15 State.

16 “(2) BORDER CROSSING FACILITY.—The term  
17 ‘border crossing facility’ means a Federal facility lo-  
18 cated in the United States that is used to enter the  
19 United States from Canada or Mexico.

20 “(3) CANADIAN BORDER REGION.—The term  
21 ‘Canadian border region’ means the region located  
22 within 60 miles of the United States border with  
23 Canada.

24 “(4) CANADIAN BORDER STATE.—The term  
25 ‘Canadian border State’ means Maine, New Hamp-

1 shire, Vermont, New York, Pennsylvania, Ohio,  
2 Michigan, Wisconsin, Minnesota, North Dakota,  
3 Montana, Idaho, Washington, and Alaska.

4 “(5) COMMERCIAL MOTOR VEHICLE.—The term  
5 ‘commercial motor vehicle’ means a motor vehicle  
6 that is used in commerce to transport passengers or  
7 property and has a gross vehicle weight rating of  
8 26,001 or more pounds.

9 “(6) MAJOR MEXICAN BORDER CROSSING FA-  
10 CILITY.—The term ‘major Mexican border crossing  
11 facility’ means a Mexican border crossing facility  
12 used by 150,000 or more northbound commercial  
13 motor vehicles in a calendar year.

14 “(7) MEXICAN BORDER REGION.—The term  
15 ‘Mexican border region’ means the region located  
16 within 60 miles of the United States border with  
17 Mexico.

18 “(8) MEXICAN BORDER STATE.—The term  
19 ‘Mexican border State’ means California, Arizona,  
20 New Mexico, and Texas.

21 “(9) MINOR MEXICAN BORDER CROSSING FA-  
22 CILITY.—The term ‘minor Mexican border crossing  
23 facility’ means a Mexican border crossing facility  
24 used by less than 150,000 northbound commercial  
25 motor vehicles in a calendar year.

1           “(6) NAFTA.—The term ‘NAFTA’ means the  
2       North American Free Trade Agreement.

3           “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
4 is authorized to be appropriated out of the Highway Trust  
5 Fund (other than the Mass Transit Account) to carry out  
6 this section for each of fiscal years 1998 through 2003,  
7 \$100,000,000 for the Mexican border region and  
8 \$100,000,000 for the Canadian border region.”.

9   **SEC. 116. PROGRAM STREAMLINING.**

10       (a) PROGRAM APPROVAL.—

11           (1) PROGRAM APPROVAL DEFINED.—Section  
12       101(a) is amended by inserting after the undesig-  
13       nated paragraph relating to the term “project agree-  
14       ment” the following:

15       “The term ‘program agreement’ means the formal in-  
16       strument to be executed by the State highway department  
17       and Secretary which identifies a State’s annual capital  
18       program, either on a project-by-project basis or program  
19       area basis.”.

20           (2) TRANSPORTATION IMPROVEMENT PRO-  
21       GRAM.—Section 135(f)(4) is amended by adding at  
22       the end the following: “A State shall have the option  
23       to enter into program agreements for either the  
24       State’s entire capital program or for each program

1 funding category as a whole or for like types of  
2 projects.”.

3 (b) STATE PROGRAMS.—

4 (1) REPEAL.—Sections 105 is repealed.

5 (2) CONFORMING AMENDMENT.—The table of  
6 sections for chapter 53 is amended by striking the  
7 item relating to section 105.

8 (c) PRIORITY FOR CERTAIN PROJECTS.—Section  
9 135(f) is amended by adding at the end the following:

10 “(5) PRIORITY FOR HIGH PRIORITY SEGMENTS  
11 OF CORRIDORS OF NATIONAL SIGNIFICANCE.—In se-  
12 lecting projects for inclusion in a transportation im-  
13 provement program under this subsection, a State  
14 may give priority to high priority segments of cor-  
15 ridors identified under section 1105(f) of the Inter-  
16 modal Surface Transportation Efficiency Act of  
17 1991 (105 Stat. 2033–2035) or any other provision  
18 of law. The Secretary may give priority of approval  
19 to, and expedite construction of, projects to complete  
20 construction of such segments.”.

21 (d) ENVIRONMENTAL STANDARDS.—

22 (1) STUDY.—The Secretary of Transportation  
23 shall conduct a study of the feasibility of establish-  
24 ing a program under which a State that has an envi-  
25 ronmental program that is functionally equivalent to

1 the environmental program of the Federal Govern-  
2 ment may be certified to conduct joint Federal and  
3 State environmental reviews for surface transpor-  
4 tation projects.

5 (2) REPORT.—Not later than 2 years after the  
6 date of the enactment of this Act, the Secretary  
7 shall transmit to Congress a report containing the  
8 results of the study conducted under this subsection.

9 (e) COORDINATION OF ENVIRONMENTAL REVIEWS.—

10 (1) STUDY.—The Secretary of Transportation,  
11 in cooperation with the Council on Environmental  
12 Quality, shall conduct a study of the administration  
13 of the environmental review process associated with  
14 highway and transit programs and projects and shall  
15 develop and implement a pilot program that will  
16 strengthen the processes under the National Envi-  
17 ronmental Protection Act by integrating all assess-  
18 ment mechanisms which address social, economic,  
19 and environmental concerns into a single unified and  
20 streamlined process allowing for the complete,  
21 thoughtful, timely, responsible and balanced consid-  
22 eration of economic, social and environmental issues  
23 which promote sustainable development.

24 (2) REPORT.—Not later than 2 years after the  
25 date of the enactment of this Act, the Secretary

1 shall transmit to Congress a report containing the  
 2 results of the study conducted under this paragraph,  
 3 including an assessment of the pilot program and  
 4 recommendations for legislative actions that are nec-  
 5 essary to further improve coordination and consoli-  
 6 dation of environmental reviews of surface transpor-  
 7 tation projects.

8 (f) TOLL AND PRIVATE INVESTMENT CREDITS.—

9 (1) IN GENERAL.—Section 322 is amended to  
 10 read as follows:

11 **“§ 322. Credit for non-federal share**

12 “(a) ELIGIBILITY.—

13 “(1) TOLL REVENUES.—A State shall be cred-  
 14 ited toward the non-Federal share of the cost of a  
 15 project under this title for toll revenues that are  
 16 generated and used by public, quasi-public, and pri-  
 17 vate agencies to build, improve, or maintain high-  
 18 ways, bridges, or tunnels that serve the public pur-  
 19 pose of interstate commerce. Such public, quasi-pub-  
 20 lic, or private agencies shall have built, improved, or  
 21 maintained such facilities without Federal funds.

22 “(2) PRIVATE INVESTMENT FUNDS.—A State  
 23 shall be credited toward the non-Federal share of  
 24 the cost of a project under this title private funds  
 25 invested in the Federal-Aid Highway System.

1       “(b) TREATMENT.—Use of such credit for a non-Fed-  
 2       eral share shall not expose such agencies from which the  
 3       credit is received to additional liability, additional regula-  
 4       tion, or additional administrative oversight. When credit  
 5       is applied from chartered multi-State agencies, such credit  
 6       shall be applied equally to all charter States. The public,  
 7       quasi-public, and private agencies from which the credit  
 8       for which the non-Federal share is calculated shall not be  
 9       subject to any additional Federal design standards, laws,  
 10      or regulations as a result of providing non-Federal match  
 11      other than those to which such agency is already subject.”.

12               (2) CONFORMING AMENDMENT.—The table of  
 13      sections at the beginning of such chapter is amended  
 14      by adding at the end the following new item:

“322. Credit for non-federal share.”.

15               (g) REMOVAL OF HISTORIC HIGHWAY BRIDGES FOR  
 16      REUSE.—Section 114(o) is amended—

17               (1) in paragraph (1) by inserting after “adapt-  
 18      ive reuse,” the following: “alternative transportation  
 19      purposes (including bikeway and walkway projects  
 20      eligible for funding under this title),”;

21               (2) in paragraph (3)—

22                       (A) by inserting after “intended use” the  
 23      following: “whether motorized vehicular traffic  
 24      or alternative public transportation purposes”;  
 25      and



1 (B) by inserting after “no longer used for  
2 motorized vehicular traffic” the following “or  
3 for alternative public transportation purposes”;  
4 (3) in the second sentence of paragraph (4)—

5 (A) by inserting after “historic bridge” the  
6 following: “for motorized vehicles or alternative  
7 vehicular traffic or alternative public transpor-  
8 tation”; and

9 (B) by striking “under this chapter” and  
10 all that follows before the period.

11 (h) STREAMLINED ADMINISTRATION OF ENHANCE-  
12 MENT PROJECTS AND SMALL CMAQ PROJECTS.—

13 (1) STUDY.—The Secretary, in cooperation with  
14 the Administrator of the Environmental Protection  
15 Agency and the Council on Environmental Quality,  
16 shall conduct a study to develop ways to streamline  
17 and simplify the administration of enhancement  
18 projects and congestion mitigation and air quality  
19 projects with a cost of less than \$500,000.

20 (2) REPORT.—Not later than 2 years after the  
21 date of the enactment of this Act, the Secretary  
22 shall transmit to Congress a report contain the re-  
23 sults of the study conducted under paragraph (1),  
24 together with recommendations on how the adminis-  
25 tration of enhancement projects and small conges-

1       tion mitigation and air quality projects can be sim-  
2       plified and streamlined.

## 3       **TITLE II—TRANSIT PROGRAMS**

### 4       **SEC. 201. SHORT TITLE.**

5       This title may be cited as the “Federal Transit Act  
6       of 1997”.

### 7       **SEC. 202. AMENDMENTS TO TITLE 49, UNITED STATES** 8               **CODE.**

9       Except as otherwise specifically provided, whenever in  
10      this title an amendment or repeal is expressed in terms  
11      of an amendment to, or repeal of, a section or other provi-  
12      sion of law, the reference shall be considered to be made  
13      to a section or other provision of title 49, United States  
14      Code.

### 15      **SEC. 203. FINDINGS.**

16      Congress finds that—

17              (1) public transit is an important factor in the  
18      continued economic vitality of the United States;

19              (2) citizens in rural and urban areas depend on  
20      public transportation for access to employment, edu-  
21      cation, health care, and other necessities of daily  
22      life;

23              (3) public transportation improves air quality  
24      and helps air quality nonattainment areas achieve  
25      federally required pollution reduction milestones;

1           (4) millions of Americans are employed in the  
2 transit industry, operating the Nation's transit sys-  
3 tems, manufacturing buses, trains, and other vehi-  
4 cles used in public transportation, or are serving in  
5 related capacities;

6           (5) the Intermodal Surface Transportation Effi-  
7 ciency Act of 1991 moved public transportation to-  
8 ward an equal footing with highways in the decision-  
9 making process of Federal, State, and local govern-  
10 ments;

11          (6) the transit programs developed under the  
12 Intermodal Surface Transportation Efficiency Act of  
13 1991 should be continued so that the full potential  
14 of public transportation may be realized;

15          (7) an increased investment in public transpor-  
16 tation will increase access to jobs and other impor-  
17 tant destinations for millions of Americans, as well  
18 as reduce our dependence on foreign oil and the inci-  
19 dence of air pollution; and

20          (8) the needs of public transportation systems  
21 should continue to be the driving force behind the al-  
22 location of available financial resources.

23 **SEC. 204. FLEXIBILITY FOR SMALL URBANIZED AREAS.**

24          Section 5307 is amended by adding at the end the  
25 following:

1       “(o) USE OF AMOUNTS BY SMALL URBANIZED  
2 AREAS.—Notwithstanding any other provision of this sec-  
3 tion, each urbanized area with a population of less than  
4 200,000 may use assistance received under this section for  
5 either operating or capital needs.”.

6 **SEC. 205. DISCRETIONARY GRANTS AND LOANS.**

7       Section 5309(m)(1) is amended by striking “the fis-  
8 cal years ending September 30, 1993–1997” and inserting  
9 “fiscal years 1998 through 2003”.

10 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

11       (a) APPORTIONMENT OF APPROPRIATIONS FOR  
12 FIXED GUIDEWAY MODERNIZATION.—Section 5337(a) is  
13 amended by striking “the fiscal years ending September  
14 30, 1993–1997,” and inserting “fiscal years 1998 through  
15 2003”.

16       (b) SECTIONS 5303–5306, 5307, 5310, 5311, 5313,  
17 5314, 5317, 5320, 5327, AND 5334 (a) AND (c).—Section  
18 5338(a) is amended to read as follows:

19       “(a) FOR SECTIONS 5303–5306, 5307, 5310, 5311,  
20 5313, 5314, 5317, 5320, 5327, AND 5334 (a) AND (c).—

21               “(1) IN GENERAL.—There is authorized to be  
22 appropriated from the Mass Transit Account of the  
23 Highway Trust Fund to carry out sections 5303–  
24 5306, 5307, 5310, 5311, 5313, 5314, 5317, 5320,  
25 5327, and 5334(a) and (c) of this title

1       \$2,712,000,000 for the each of fiscal years 1998  
2       through 2003.

3           “(2) ADDITIONAL AMOUNTS.—In addition to  
4       the amounts made available under paragraph (1),  
5       not more than \$600,000,000 for each of fiscal years  
6       1998 through 2003 may be appropriated to the Sec-  
7       retary to carry out sections 5303–5306, 5307, 5310,  
8       5311, 5313, 5314, 5317, 5320, 5327, and 5334(a)  
9       and (c).”.

10       (c) DISCRETIONARY GRANTS AND LOANS.—Section  
11       5338(b) to read as follows:

12       “(b) SECTION 5309.—Not more than  
13       \$2,288,000,000 for each of fiscal years 1998 through  
14       2003 is available from the Account for the Secretary to  
15       carry out section 5309 of this title.”.

16       (d) NATIONAL MASS TRANSPORTATION INSTI-  
17       TUTE.—Section 5338(c) is amended by striking “the fiscal  
18       years ending September 30, 1993–1997” and inserting  
19       “fiscal years 1998 through 2002”.

20       (e) UNIVERSITY RESEARCH INSTITUTES.—Section  
21       5338(d) is amended by striking “each of the fiscal years  
22       ending September 30, 1993–1997” and inserting “fiscal  
23       years 1998 through 2002”.

24       (f) TRANSPORTATION CENTERS.—

1           (1) IN GENERAL.—Section 5338(e) is amended  
2       to read as follows:

3       “(e) SECTION 5317.—Not more than \$6,000,000 is  
4       available from the Fund (except the Account) for the Sec-  
5       retary for each of fiscal years 1998 through 2003, to carry  
6       out section 5317 of this title.”.

7           (2) CONFORMING AMENDMENT.—Section  
8       5317(b)(5) is amended—

9                       (A) by striking subparagraph (C); and

10                      (B) by redesignating subparagraph (D) as  
11       subparagraph (C).

12       (g) OTHER SET-ASIDES.—Section 5338(h)(3) is  
13       amended by striking “the fiscal years ending September  
14       30, 1993–1997” and inserting “fiscal years 1998 through  
15       2003”.

16   **SEC. 207. PROGRAM EFFICIENCY IMPROVEMENTS.**

17       (a) ASSOCIATED CAPITAL MAINTENANCE.—

18           (1) AMENDMENT TO DEFINITION.—Section  
19       5307(a)(1) is amended by striking “material, each”  
20       and all that follows through the end of the para-  
21       graph and inserting “material;”.

22           (2) CONFORMING AMENDMENT.—Section  
23       5307(b)(4) is amended by striking “material,” and  
24       all that follows through “used,” and inserting “ma-  
25       terial”.

1       (b) STATE APPORTIONMENT FLEXIBILITY.—Section  
2 5310(b) is amended by striking “Any State’s apportion-  
3 ment” and all that follows through “the State for trans-  
4 fer” and inserting “The chief executive officer of the State  
5 may transfer any of the funds apportioned to the State  
6 under this section”.

7 **SEC. 208. APPLICATION OF BYRD RULE TO MASS TRANSIT**  
8 **ACCOUNT OF HIGHWAY TRUST FUND.**

9       Section 9503(e)(4) of the Internal Revenue Code of  
10 1986 is amended by striking “except” and all that follows  
11 before the period.

